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BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

Claim Of:

County of Los Angeles

Claimant

No. CSM-4426


Penal Code Section 264.2, Subdivisions (b)(1) and (b)(2)  
Penal Code Section 13701  
Chapter 999, Statutes of 1991  
Chapter 224, Statutes of 1992

*Rape Victims Counseling Center Notice*

PARAMETERS AND GUIDELINES

The attached *amended* Parameters and Guidelines of the Commission on State Mandates are hereby adopted by the Commission on State Mandates in the above entitled matter.

IT IS SO ORDERED December 19, 1996.



Kirk G. Stewart, Executive Director  
Commission on State Mandates

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**FILE COPY**

Hearing Date: December 19, 1996  
File Number: CSM-4426  
Staff: J. Mado-Eveland  
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Adopted: May 26, 1994  
Revised: December 19, 1996

## Amended Parameters and Guidelines

Penal Code Section 264.2, Subdivisions (b)( 1) and (b)(2)

Penal Code Section 13701

Chapter 999, Statutes of 1991

Chapter 224, Statutes of 1992

### *Rape Victims Counseling Center Notice*

#### I. Summary of Mandate

The provisions of Penal Code section 264.2, subdivisions (b)( 1) and (b)(2), as added and amended by Chapter 999, Statutes of 1991, and Chapter 224, Statutes of 1992, and Penal Code Section 13701, as amended by Chapter 999, Statutes of 1991, require local law enforcement agencies to : reprint existing "Victims of Domestic Violence" cards with new information to assist rape victims, furnish a rape victim with a "Victims of Domestic Violence" card, obtain victim consent to notify a local rape victim counseling center, notify the victim-selected center, and subject to the approval of the victim and upon the treating hospital's request, verify whether the local rape victim counseling center has been notified.

#### II. Commission on State Mandates Decision

At its July 22, 1993, hearing, the Commission on State Mandates determined that the provisions of Penal Code section 264.2, subdivisions (b)(1), and (b)(2), as added and amended by Chapter 999, Statutes of 1991, and Chapter 224, Statutes of 1992, and Penal Code section 13701, as amended by Chapter 999, Statutes of 1991, impose a reimbursable state mandated program by requiring local law enforcement agencies to notify the local rape victim counseling center when the victim is transported to a hospital for examination and the victim approves of that notification; subject to the approval of the victim and upon a request from the treating hospital, to verify whether the local rape victim counseling center has been notified; to revise the "Victims of Domestic Violence" card by adding information to assist rape victims, and to furnish a rape victim with a "Victims of Domestic Violence" card.

#### III. Eligible Claimants

Any city or county which incurs increased costs as a result of the subject state mandates is eligible to claim reimbursement of those costs.

#### IV. Period of Reimbursement

Chapter 999, Statutes of 1991, was approved by the Governor on October 13, 1991 and became operative on January 1, 1992 and Chapter 224, Statutes of 1992, was approved by the Governor on July 14, 1992 and became effective operative on January 1, 1993.

card; record, file, and/or data-process state mandated information; and, provide hospital verification whether the local rape victim counseling center has been notified, upon the consent of the victim.

## VI. Claim Preparation and Submission

One-time costs and continuing costs that are reimbursable are limited to:

### A. Employee Salaries and Benefits

I. For one-time costs and reprinting costs described in part V, paragraph B, 2 (a), show the name of the employee involved, the classification of the employee, state mandated functions performed, number of hours devoted to the function, productive hourly rates and benefits.

2. For continuing costs, excluding reprinting costs described in part V, paragraph B, 2 (a), unit costs must be claimed for each specified victim, based upon the following standard times :

- a. 10 minutes - road officer's time related to the subject state mandates
- b. 4 minutes - clerical duties related to recording, filing, and/or data processing
- c. 2 minutes - dispatcher's time related to hospital verification

Each standard time is multiplied by the average productive hourly rate, including applicable indirect cost as specified in part VI, paragraph D herein, for road officers, clerical staff, and dispatchers assigned state mandated duties, and, the results totaled to obtain a reimbursable unit cost. Such reimbursable unit cost is then multiplied by the total number of reported incidents regarding alleged violations described in part V, paragraph B, 2 (b), above.

### B. Services, Equipment and Supplies

Allowed only for one-time costs and reprinting costs described in part V, paragraph B, 2 (a). Claimed expenditures must be identified with a direct cost reimbursable activity resulting from the subject state mandates. List the cost of materials or equipment acquired which have been consumed or expended specifically for the purposes of the subject state mandates

### C . Contract Services

Allowed only for one time costs and reprinting costs described in part V, paragraph B, 2 (a). List costs incurred for contract services for the subject state mandates. Contracting costs are reimbursable to the extent that the function performed requires special skills or knowledge that is not readily available from the claimant's staff. Use of contract services must be justified by the claimant.

### D. Allowable Overhead Cost

Allowed for one-time costs and for continuing costs. Cities and counties have the option of using 10 % of direct labor as indirect costs or preparing a departmental

Adopted: 5/26/94  
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#### **PARAMETERS & GUIDELINES**

Penal Code Section 264.1, Subdivisions (b)(1) and (b)(2)  
Penal Code Section 13701  
Chapter 999, Statutes of 1991  
Chapter 224, Statutes of 1992  
Rape Victims Counseling Center Notice

#### **I. SUMMARY OF MANDATES**

The provisions of Penal Code section 264.2, subdivisions (b)(1) and (b)(2), as added and amended by Chapter 999, Statutes of 1991, and Chapter 224, Statutes of 1992, and Penal Code Section 13701, as amended by Chapter 999, Statutes of 1991, require local law enforcement agencies to: reprint existing **"Victims of Domestic Violence"** cards with new information to assist rape victims, furnish a rape victim with a **"Victims of Domestic Violence"** card, obtain victim consent to notify a local rape victim counseling center, notify the victim-selected center, and subject to the approval of the victim and upon the treating hospital's request, verify whether the local rape victim counseling center has been notified.

#### **II. COMMISSION ON STATE MANDATES DECISION**

At its July 22, 1993, hearing, the Commission on State Mandates determined that the provisions of Penal Code section 264.2, subdivisions (b)(1), and (b)(2), as added and amended by Chapter 999, Statutes of 1991, and Chapter 224, Statutes of 1992, and Penal Code section 13701, as amended by Chapter 999, Statutes of 1991, impose a reimbursable state mandated program by requiring local law enforcement agencies to notify the local rape victim counseling center when the victim is transported to a hospital for examination and the victim approves of that notification; subject to the approval of the victim and upon a request from the treating hospital, to verify whether the local rape victim counseling center has been notified; to revise the **"Victims of Domestic Violence"** card by adding information to assist rape victims, and to furnish a rape victim with a **"Victims of Domestic Violence"** card.

### III. ELIGIBLE CLAIMANTS

Any city or county which incurs increased costs as a result of the subject state mandates is eligible to claim reimbursement of those costs.

### IV. PERIOD OF REIMBURSEMENT

Chapter 999, Statutes of 1991, was approved by the Governor on October 13, 1991 and became operative on January 1, 1992 and Chapter 224, Statutes of 1992, was approved by the Governor on July 14, 1992 and became effective operative on January 1, 1993.

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for the state subject mandates was filed by the County of Los Angeles on December 29, 1992. Therefore, costs incurred for Chapter 999, Statutes of 1991, on or after its operative date of January 1, 1992, and costs incurred for Chapter 224, Statutes of 1992, on or after its effective operative date of January 1, 1993, are eligible for reimbursement.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(3), of the Government Code, all claims for reimbursement of cost shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

### V. REIMBURSABLE ACTIVITIES AND RELATED COSTS

#### A. Scope of Mandate

Local law enforcement agencies shall be reimbursed for the increased costs which they are required to incur to: reprint existing **"Victims of Domestic Violence"** cards with new information to assist rape victims, furnish a rape victim with a **"Victims of Domestic Violence"** card, obtain victim consent to notify a local

rape counseling center, notify the victim-selected local rape counseling center, and subject to the victim's approval and upon the treating hospital's request, verify whether the local rape victim counseling center has been notified.

**B.** For each eligible claimant, the following one-time costs and continuing costs are reimbursable:

1. Reimbursable One-Time Costs

- a. Costs of updating policies and procedures to conform with the special requirements of Chapter 999, Statutes of 1991 and Chapter 224, Statutes of 1992.
- b. Costs of modifying existing record-keeping systems to provide reliable and timely retrieval of verification information required by Chapter 224, Statutes of 1992, but not to exceed \$2,000,

2. Reimbursable Continuing Costs

- a. Costs of reprinting the existing **"Victims of Domestic Violence"** card to add information, relating to rape victim services, required by Chapter 999, Statutes of 1991, but not to exceed one reprinting per fiscal year.
- b. Law enforcement's road officer, clerical, and dispatcher costs required to: request each victim's consent to notify a rape counseling center, each time alleged violation(s) include at least one violation of Penal Code section 261, 261.5, 262, 286, 288a, 289, alleged separately or in combination with other violations; furnish a rape victim with a **"Victims of Domestic Violence"** card; record, file, and/or data-process state mandated information; and, provide hospital verification whether the local rape victim counseling center has been notified, upon the consent of the victim.

## VI. CLAIM PREPARATION AND SUBMISSION

One-time costs and continuing costs that are reimbursable are limited to:

### A. Employee Salaries and Benefits

1. For one-time costs and reprinting costs described in part V, paragraph B, 2 (a), show the name of the employee involved, the classification of the employee, state mandated functions performed, number of hours devoted to the function,, productive hourly rates and benefits.
2. For continuing costs, excluding reprinting costs described in part V, paragraph B, 2 (a), unit costs must be claimed for each specified victim, based upon the following standard times:
  - a. 10 minutes - road officer's time related to the subject state mandates
  - b. 4 minutes - clerical's duties related to recording, filing, and/or **data-** processing
  - c. 2 minutes - dispatcher's time related to hospital verification

Each standard time is multiplied by the average productive hourly rate, including applicable indirect cost as specified in part VI, paragraph D herein, for road officers, clerical staff, and dispatchers assigned state mandated duties, and, the results totaled to obtain a reimbursable unit **cost**. Such reimbursable unit cost is then multiplied by the total number of reported incidents regarding alleged violations described in part V, paragraph B, 2 (b), above.

The standard times set forth herein shall remain in effect through June 30, 1996. For the reimbursement period following June 30, 1996, the Commission on State Mandates, at a public hearing, shall review these standard times and shall make any necessary revisions to the standard times set forth herein.

B. Services, Equipment and Supplies

Allowed only for one-time costs and reprinting costs described in part V, paragraph B, 2 (a). Claimed expenditures must be identified with a direct cost reimbursable activity resulting from the subject state mandates. List the cost of materials or equipment acquired which have been consumed or expended specifically for the purposes of the subject state mandates.

C. Contract Services

Allowed only for one time costs and reprinting costs described in part V, paragraph B, 2 (a). List costs incurred for contract services for the subject state mandates. Contracting costs are reimbursable to the extent that the function performed requires special skills or knowledge that is not readily available from the claimant's staff. Use of contract services must be justified by the claimant.

D. Allowable Overhead Cost

Allowed for one-time costs and for continuing costs, Cities and counties have the option of using 10% of direct labor as indirect costs or preparing a departmental Indirect Cost Rate Proposal. If the city or county elects to prepare an Indirect Cost Rate Proposal, the Proposal must be prepared in accordance with Office of Management and Budget Circular A-87 (OMB A-87).

VII. SUPPORTING DATA

For auditing purposes, all costs claimed shall be traceable to source documents and/or worksheets that show evidence of and validity of claimed costs. All documentation supporting such costs shall be made available to the State Controller or his agent, as may be requested, during the record retention period specified in Government Code section 17558.5, subdivision (a).,

Government Code section 17558.5, subdivision (a), requires that all supporting source documents and worksheets must be kept on file not less than four years after the end of the calendar year in which the reimbursement claims is filed or last amended, unless no funds are appropriated for the program for the fiscal year for which the claim is made, in



which case, the four year retention period shall commence to run from the date of initial payment of the claim.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimant experiences as a direct result of the subject statutes must be deducted from the costs claimed. In addition, reimbursements for the subject state mandates received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim.

IX. STATE CONTROLLER'S OFFICE REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.